

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: September 10, 2012

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. AFD Advisory Committee
 2. Agency on Aging Board
 3. Planning Commission
 4. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this

certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATION

A. VIRGINIA DEPARTMENT OF TRANSPORTATION

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

B. TOWN OF CHRISTIANBURG – REVENUE RECOVERY

Representatives from the Town of Christiansburg will make a presentation on the proposed “Revenue Recovery” for services of the Christiansburg Rescue Squad.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

A. SUBJECT: ORDINANCE AMENDING THE CODE OF MONTGOMERY COUNTY

**ORD-FY-13-
AN ORDINANCE AMENDING CHAPTER 1 ENTITLED GENERAL PROVISIONS
OF CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY
ADDING SECTION 1-9 ALLOWING REIMBURSEMENT FOR EXPENSES
INCURRED BY THE COUNTY FOR METHAMPHETAMINE LAB CLEANUP**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 1, entitled General Provisions of the Code of the County of Montgomery, Virginia shall be amended and reordained by adding Section 1-9 as follows:

Section 1.9 Reimbursement For Expenses Incurred From Methamphetamine Lab Cleanup.

Any person convicted of an offense for the manufacture of methamphetamine under Virginia Code Sections 18.2-248 or 18.2-248.03 shall at the time of sentencing or in a separate civil action be liable to the County of Montgomery for restitution of expenses incurred in the cleanup of any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses incurred associated with cleanup, removal or repair of the affected property or the replacement cost of personal protective equipment used.

This Ordinance shall be effective upon its adoption.

ISSUE/PURPOSE: Amend the Code of Montgomery County.

JUSTIFICATION: During the last General Assembly session, a bill was adopted allowing localities to enact an ordinance to seek reimbursement for expenses associated with the cleanup of any methamphetamine lab. This Ordinance amends the Code of Montgomery County to add Section 1.9 to seek reimbursement.

XII. NEW BUSINESS

**A. SUBJECT: SUPPLEMENTAL APPROPRIATION
SCHOOL -FY12 CARRYOVER**

**A-FY-13-
SUPPLEMENTAL APPROPRIATION
MONTGOMERY COUNTY PUBLIC SCHOOLS
FY12 CARRYOVER**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

09	Transfer to School Operating Fund	\$431,056
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The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$431,056
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2013, for the function and in the amount as follows:

School Operating

561000	Instruction	72,100
564000	Operations and Maintenance	<u>358,956</u>
	Total	\$431,056

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451100	Transfer from General Fund	\$431,056
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Said resolution re-appropriates encumbered and unencumbered expenditure balances of School Funds remaining at year-end, June 30, 2012.

ISSUE/PURPOSE:	Re-appropriate encumbered and unencumbered expenditure balances for the schools.
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JUSTIFICATION:	The schools have requested carryover of their unexpended balances remaining at the end of June 30, 2012.
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This resolution appropriates the remaining balance of \$431,056 for the following:

- Pay-to-Play not funded in FY 13 budget \$72,100
- Technology and Infrastructure Bldg C 100,000
- Furniture and Moving-Building C 258,956
- Total \$431,056

TAB **B** includes a copy of the School's letter of request.

**B. SUBJECT: CONVEYANCE OF LOT 5A AND 5B
FALLING BRANCH CORPORATE PARK
AEROPROPE**

R-FY-13

**A RESOLUTION AUTHORIZING THE CONVEYANCE OF LOTS 5A AND 5B
IN THE FALLING BRANCH CORPORATE PARK BY THE EDA TO
TRIO PROPERTIES, LLC (AEROPROBE CORPORATION)
AND CERTAIN RELATED MATTERS**

WHEREAS, Pursuant to an Industrial Park Property Transfer Agreement dated September 16, 1996 by and between the Economic Development Authority of Montgomery County, Virginia (the "EDA") and the Board of Supervisors of the County of Montgomery, Virginia (the "Transfer Agreement"), the Board of Supervisors conveyed approximately 165.573 acres (the "Park Property") to the EDA by Deed recorded in Deed Book 937 at page 269 (the "Deed") in the Montgomery County Circuit Court Clerk's Office for the development of the Falling Branch Corporate Park (formerly referred to as the Falling Branch Industrial Park); and

WHEREAS, The Transfer Agreement and the Deed contained a reversion clause whereby if the Park Property was not developed and used as the Falling Branch Corporate Park the Park Property would revert to the Board of Supervisors (the "Reversionary Clause"); and

WHEREAS, Pursuant to the terms of the Transfer Agreement and the Deed, prior to the EDA conveying any interest in the Falling Branch Corporate Park, the Board of Supervisors is to approve the terms and conditions of the proposed conveyance; and

WHEREAS, The Deed also states that any conveyance of the Park Property is subject to all of the terms and conditions of the Transfer Agreement; and

WHEREAS, The EDA has negotiated and approved a Real Estate Sales Agreement dated August 21, 2012 (the "Sales Agreement") and a Post Closing Performance Agreement dated August 21, 2012 (the "Post Closing Agreement") with Aeroprobe Corporation and Trio Properties, LLC, a limited liability company formed by the three principals of Aeroprobe to own the real estate, to convey a portion of the Park Property identified more particularly as Lots 5A and 5B in the Falling Branch Corporate Park to Trio Properties, LLC for the development of Aeroprobe Corporation's headquarters and manufacturing facility; and

WHEREAS, The Board of Supervisors has reviewed both the Sales Agreement and the Post Closing Agreement, and the Board of Supervisors approves of the conveyance by the EDA of Lots 5A and 5B to Trio Properties, LLC and Aeroprobe Corporation pursuant to the terms and conditions contained therein; and

WHEREAS, The Board of Supervisors recognizes that the Falling Branch Corporate Park has been developed as a corporate industrial park by the EDA and used for that purpose and the Board of Supervisors is willing to release the Reversion Clause that is applicable to the Park Property contained in both the Transfer Agreement and the Deed; and

WHEREAS, The Board of Supervisors also recognizes that the terms and conditions of the Transfer Agreement have been satisfied with respect to Lots 5A and 5B in the Falling Branch Corporate Park, and the Board of Supervisors is willing to acknowledge that the Transfer Agreement is of no further force and effect with respect to Lots 5A and 5B; and

WHEREAS, The Board of Supervisors is willing to authorize the Chair, James Politis, to execute any and all documents necessary for the conveyance of Lots 5A and 5B by the EDA to Trio Properties, LLC including executing the deed conveying Lots 5A and 5B, for the purpose of evidencing the County's approval of the conveyance, the release of the Reversion Clause, and confirmation that the Transfer Agreement is of no further force and effect with respect to Lots 5A and 5B.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves of the EDA conveying Lots 5A and 5B in the Falling Branch Corporate Park to Trio Properties, LLC for the development of Aeroprobe Corporation's headquarters and manufacturing facility pursuant to the terms and conditions contained in the Sales Agreement and the Post Closing Agreement; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to waive and release the Reversionary Clause that is applicable to the Park Property as provided in the Transfer Agreement and the Deed; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees that the Transfer Agreement is and shall be of no further force and effect with respect to Lots 5A and 5B; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby the authorizes the Chair, James Politis, to execute any and all documents necessary for the conveyance of Lots 5A and 5B by the EDA to Trio Properties, LLC including executing the deed conveying Lots 5A and 5B, for the purpose of

evidencing the County's approval of the conveyance, the release of the Reversionary Clause, confirmation that the Transfer Agreement is and shall be of no further force and effect with respect to Lots 5A and 5B, and otherwise carrying out the intent of the foregoing resolutions.

ISSUE/PURPOSE: Convey Lots 5A and 5B in the Falling Branch Corporate Park by the EDA to Trio Properties, LLC (Aeroprobe Corporation).

JUSTIFICATION: The EDA has developed the Falling Branch Corporate Park as a corporate industrial park. Aeroprobe Corporation has announced it will be constructing a new facility in the Falling Branch Corporate Park. See TAB C for copy of the Deed of Conveyance.

XIII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. New Courthouse Update
2. Public Safety Building Update
3. Health Insurance – Self Insured

XIV. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

1. Supervisor Tuck
2. Supervisor Brown
3. Supervisor Biggs
4. Supervisor Perkins

5. Supervisor Creed
6. Supervisor Gabriele
7. Supervisor Politis

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Community Meeting
Meadowbrook Community Center
Monday, September 17, 2012
7:00 p.m.

Adjourned Meeting
Monday, September 24, 2012
6:00 p.m. Closed Meeting
7:00 p.m. Regular Meeting

Special Joint Meeting
with the Montgomery County School Board
Building C
Thursday, September 27, 2012
6:30 p.m.

Community Meeting
Kipps Elementary School
Thursday, October 4, 2012
7:00 p.m.

Regular Meeting
Tuesday, October 9, 2012
6:00 p.m. Closed Meeting
7:00 p.m. Regular Meeting

Community Meeting
Christiansburg Middle School
Monday, October 15, 2012
7:00 p.m.

Adjourned Meeting
Monday, October 22, 2012
6:00 p.m. Closed Meeting
7:00 p.m. Regular Meeting

Community Meeting
Blacksburg Library
Monday, October 29, 2012
7:00 p.m.